



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

May 6, 1993

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Robert L. Morgan  
State Engineer

1636 West North Temple, Suite 220  
Salt Lake City, Utah 84116-3156  
801-538-7240  
801-538-7315 (Fax)

W J SCHULTHESS  
BOX 67  
FRONTIER WY 83121

Dear W J Schulthess:

Re: Measuring Devices

At the February 24, 1993 annual meeting of the Upper Bear River Distribution System, the river commissioner, Ron Hoffman indicated he had difficulty measuring and regulating the flows to the water users on Woodruff Creek because of the lack of measuring devices and control structures.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

Therefore, you are hereby notified that all diversions on Woodruff Creek are to be equipped with functional and accurate measuring devices and lockable headgates prior to June 30, 1993. Each diversion will be inspected for compliance and those diversions not in compliance will be tagged by the River Commissioner. The tag will represent an order to cease the use of water. Those users who do not comply will then face legal action where the State Engineer will seek a court order requiring that the diversion be closed until such time as the measuring devices and headgates are installed. This letter commences informal adjudication proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

If you have any questions concerning this notice please contact Bob Fotheringham at 752-8755 or Lee Sim at 538-7380.

Sincerely,

Robert L. Morgan P.E.  
State Engineer

RLM:LHS:bd

cc: S Bob Fotheringham  
S Ron Hoffman  
S Lee Sim  
S John Mabey

